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THE OPINION

Volume 12, No. 5

State University of New York at Buffalo School of Law

November 23, 1971

Conference On Criminal Justice Held



Betting

by Rosalie Stoll

The First Citizens Conference on Criminal Justice was held Thursday and Friday, Nov. 11th and 12th at the Statler Hilton. It shows promise of being one of the most important events to be held in this area insofar as "getting together" divergent ideas.

The purpose of the conference (paid for by a grant from the NYS Div. of Planning) was to provide a forum whereby every point of view was welcome from both professionals and nonprofessionals.

Conference Hosts

Presented by the Erie County Bar Association in conjunction with BUILD' the AFL-CIO, the League of Women Voters and the Federation of Womens Clubs, the reasons behind the conference were multifold. Philip Magner, President of the ECBA, noted that the rising crime rate has reached disastrous proportions, the young are disenchanted, many people believe that the hand of the law is not laid equally on all persons and that our correctional facilities do not correct, but often corrupt. This situation is likely to get worse, unless meaningful change can be made, and soon, Mr. Magner stressed, "We must examine the system... to the end that responsible reform can be instituted."

Participants

Experts in all fields of criminal justice gathered with lay people from all sectors of the community in order to contribute to the solution of the "challenge of the century as far as criminal justice is concerned" (Supreme Court Justice Gilbert A. King). A list of participants includes prominent leaders in law, social work, education and communication. Keynote speakers included the U.S. Attorney for the Southern District of New York, Whitney N. Seymour, Jr., Defense Counsel for Suffolk County, Leonard D. Wexler, the Deputy Assistant Dir. of Institutional Services, Bureau of Prisons, Roy E. Gerard, and the publisher of the Amsterdam News, Clarence Jones. Panelists on Thursday included Mike Dillon, D.A., Hugh R. Jones, President NYSBA, Charles McDonough, E.C.B.A., Marino Milano, Bureau of Narcotics and Dangerous Drugs, Archibald Murray, Office of Planning Services, and David Steinwald of the SUNYAB Student Rights Committee.

Thursday Morning

Thursday morning was taken up with addresses by Mr. Seymour and Mr. Wexler, with quite a heated discussion following as to suppression (continued on page 4)

TO: Students and Faculty

FROM: P.R. Lochner

Rumors have apparently spread that the Court of Appeals has ruled that any student who fails a course without making it up will not be able to take the Bar Examination. That particular rumor is not true. However, there has been some difficulty in certifying to the State Board of Bar Examiners those of last year's graduates who had a considerable number of failures on their records. A variety of courses of action are being considered to insure that those who graduate in this and subsequent years do not face the same problems that the graduates of 1971 are now facing. It is hoped that these problems will be resolved as soon as possible. I will let you know of our progress when the situation becomes more clear.

Law Student Elected

by Rosalie Stoll

Although many students are involved in political campaigning, Alton Bowens is one student who is able to combine a career in law school with a political position.

Newly elected to the County Legislature from the 6th District on the Democrat-Liberal line with 70% of the vote, Al feels his election and the success of the Democrats in the recent election is "characteristic of the times", citing the current economic climate conditioned by high unemployment and inflation as major factors.

Active in politics, Bowens has served as Democratic committeeman for ten years, during two of which he has attended law school. Now in his third year (four year program), Al plans to continue his legal education while serving his constituency - "The secret to the whole thing is organization."

Bowens does intend to actively practice law after graduation although he does hope for a career in politics. The biggest advantage law offers, he feels, lies in the development of analytical skills. He is, however, quite interested in law as relating to municipal functions including property and real estate.

With many interests and plans for county government, Al Bowens promises to work with the better administration of the health department, drug programs and social services programs.

Knowing Al, law students feel he will perform to the best of his ability and congratulate him on his victory.

ABA-LSD SAYS NO

The Second Circuit of the American Bar Association Law Student Division has called for the rejection of President Nixon's latest nominations to the Supreme Court.

At an all-day conference held on Friday, November 12, the Student Bar Association Presidents and Law Student Division Representatives from nine of the eleven law schools in New York State urged the Senate Committee on the Judiciary to reject the nominations of both William Rehnquist and Lewis Powell.

Noting that the President had based both nominations on "political considerations in addition to demonstrated legal expertise," the Second Circuit schools recommended rejection of both names. In addition, the Circuit resolved that Rehnquist's "insensitivity to the rights of individuals" was further cause for his rejection.

The conference, billed as an "S.B.A. Presidents Roundtable," was convened by Robin Schimminger, Second Circuit Governor. Schimminger, who chaired the meeting in a non-voting capacity, indicated that he had expected the vote on Rehnquist to turn out as it did, but that the Powell vote

came as a surprise.

"The feeling that only grass roots opposition to the nominations could now bring their rejection seemed to have been a strong motivating factor for both votes," said Schimminger. He added that, "A movement in the Senate to reject should develop as public pressure opposing the nominations arises." Schimminger felt that sentiment at the meeting was much stronger in opposition to Rehnquist than it was against Powell's appointment and stated that he, himself was willing to go along with Powell's designation.

The Rehnquist resolution carried stronger language than the Powell counterpart, charging an "insensitivity to the rights of individuals." The full text of both resolutions, which were dispatched to Senate Judiciary Chairman Eastland as well as Senators Kennedy, Bayh, Tunney, Buckley, Javits, Ribicoff, Hart, and Weicker follows:

Whereas the President has made nominations to the Supreme Court dependent upon political considerations in addition to demonstrated legal

expertise and thus opened the nominations to criteria beyond the purely judicial, Be it resolved that the Second Circuit of the American Bar Association Law Student Division hereby urges the Senate Committee on the Judiciary to reject the nomination of Lewis Powell to the Supreme Court.

-and-

Whereas the President has made nominations to the Supreme Court dependent upon political considerations in addition to demonstrated legal expertise and thus opened the nominations to criteria beyond the purely judicial, and

Whereas William C. Rehnquist has manifested an insensitivity to the rights of individuals, Be it resolved that the Second Circuit of the American Bar Association Law Student Division hereby urges the Senate Committee on the Judiciary to reject the nomination of William C. Rehnquist to the Supreme Court.

Both resolutions were passed by two to one margins during the afternoon session of the conference.

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Editorial

Graduation

As anyone who has looked at our schedule for the Spring Semester, and compared it with the schedule of other Faculties in the University, realizes, for the first time this year law students have no graduation exercises which they can attend. The Graduation exercises for the rest of the University are scheduled for the 13th of May, right in the middle of our examination period. Our graduation, which presently exists in name only, is scheduled for the 26th.

The problem arises from the fact that we are the only School which has remained on the old schedule which has Fall semester examinations after the Holiday vacation. No students were consulted about this situation, and in fact, it seems that no one in the administration of either the Law School or the University was even aware of it.

In the past, law students were able to choose between attending the *administration financed* graduation exercises for the entire University or attending the *student-financed* Law School exercises. The rationale behind students financing their own graduation was that the University was already providing a graduation ceremony which they could attend and therefore, if they chose to have their own they would have to pay for it.

It is obvious that the rationale for students financing their own exercises at the Law School no longer applies. They are now the only students who must either finance their own graduation or have none at all. This is a situation which must be remedied. No one can seriously accept the statement that Law students are able to take a day off in the middle of their exams to attend the Main Campus graduation, which was put forward by several persons in the Administration.

Student Funds are already tight enough and Law Students have already had enough of the short stick in too many areas. It is the responsibility of the administration to provide funding sufficient for an adequate Law School Graduation, so that in this area, at least, they will receive equal treatment with other students in the University.

Patner Speaks on P.I. Law

by Earl S. Carrel

"No citizen would be treacherous enough to believe that any court would enter a judgement against a railroad." With these words from an address by Mark Twain in London on July 4, 1872, Marshall Patner, General Counsel for Businessmen for the Public Interest began the first of the 1971-1972 Mitchell Lectures at the State University of New York at Buffalo Law School.

Patner, a graduate of the University of Wisconsin and the University of Chicago Law School, spoke on "Public Interest Law Practice" to a small group of faculty and students Monday afternoon in the Law School.

Dealing almost solely with his work at BPI, Patner first related a short history of the Chicago-based public interest organization and then went on to tell of some of the areas in which BPI works.

Businessmen for the Public Interest was started in March, 1969 and was initially funded by Midas International Corp. and the Kettering family. Today, according to Patner, approximately 30 businessmen and five foundations keep BPI funded. This is in addition to other small donations. BPI has no formal board and no ties with any community organizations. This position allows investigation into

virtually any area. As a tax exempt group, BPI feels its obligation is to the law and to the community.

Since BPI deals with urban and environmental issues, Patner stressed, "We've never made any factual mistakes." In addition good relations have been maintained with the press and the local bar. These positive factors have aided the operation of the organization to a very great extent.

Patner does not advocate violation of laws and statutes. Instead, he favors using the legal process to test and change the laws. Unlike Chief Justice Burger, Patner feels the courts are a proper forum for social change. Since litigation is a slow and often tedious process, BPI has used other methods to advocate change and improvement.

One of the most effective weapons that Patner's group has used is the placing of full-page ads in the newspapers to call attention to various issues. Among them are pollution and government mismanagement.

Other areas which have been the target for BPI investigations and reports are school tax inequities, real property forfeitures and the system of testifying before congressional committees.

After his experiences with governmental agencies, Patner likens them to the circumlocution office in

SBA Resolution 1

To the Editor:

A majority of the SBA Board of Directors voted to disapprove the nomination by President Nixon of William Rehnquist to the SUPREME COURT. Merits of this proposal aside, it is unsettling to note that an SBA Director, directed to prepare a letter stating the bare position set forth in the resolution, should arrogate to herself the right to insert allegations concerning Mr. Rehnquist's background as rationale for the resolution without consulting the body whose opinion this letter was supposed to represent; allegations which were passed upon by the SBA only when this Director was challenged on their insertion. Such action evinces a monumental hubris, irrespective of ultimate majority approval of the letter.

Michael Montgomery

SBA Resolution 2

To the Editor:

At the weekly SBA circus a resolution was introduced (by Junior class representative Miss Sally Mendola) and passed that the SBA shall officially ostracize, condemn, and cast stones at William Rehnquist for the unmitigated audacity of allowing himself to be nominated for the Supreme Court, when everyone to the left of Barry Goldwater knows that conservatives have no rightful place in society, much less on the Court. It should be noted that the motion was passed before any investigation of Rehnquist had been performed by the Senate. The motion was therefore uninformed and based entirely on prejudice and bigotry against Rehnquist's political opinions.

The motion was bad enough, passing it was terrible. The SBA has the right under the first amendment to pass resolutions about almost anything, but it should remember that when it does so it gives the impression of speaking for the entire student body. (The students were not consulted by the SBA, presumably for fear that the students might usurp the power of the SBA ruling clique to appear ridiculous.) The SBA should therefore restrain itself from disgracing the Law School by passing irresponsible, incompetent, irrelevant, insipid, inept and/or

inane resolutions. The disgrace will be compounded when the Senate overwhelmingly confirms Rehnquist (So I predict. Any bets?) after investigating his qualifications. Recall petitions, anyone?

Otto Matsch

SBA Resolution 3

To the Editor:

It seems fashionable among some of the elected directors of the Student Bar Association to believe that now that they have been elected, no one else cares what happens in SBA, and they have carte blanche to do as they like. I would like to take issue with that by saying that there is at least one student that cares what they do.

I am particularly distressed by the stand the directors took on the nomination of William Rehnquist to the Supreme Court. Not because I necessarily disagree with the stand, but because the directors were elected on local (school) issues. If they are going to presume to speak for the student body on national issues, they should at least seek the opinions of other students. I think the minimum would be to lay such issues on the table for a week, to give other students an opportunity to express their opinions.

In the letter which was sent by the directors on the Rehnquist issue they stated, "The Student Bar Association, by a majority vote..." This is a questionable statement because it implies that a referendum was taken (an ideal situation, I think), when it was not. At least, if the directors are going to insist on this self-righteous procedure, they could phrase their letter so that they indicate that they are representing only their own opinions by saying, "The Directors of the Student Bar Association, by a majority vote..."

Since the directors were not elected on national issues, I do not feel that they represent me on national issues.

The least they can do is consult the student body before they presume to represent the school on national issues.

Skip Conover
Class of '74

THE OPINION

Vol. 12, No. 5

November 23, 1971

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Charles Dickens' *Little Dorrit* where, "All the business of the country went through the circumlocution office except that business that never came out of it."

In addition to his work with BPI, Patner has headed the legal defense for the Blackstone Rangers street gang, defended Dick Gregory, and was in charge of appeals test cases for the Chicago Office of Economic Opportunity.

LETTERS TO THE EDITOR

Letters are welcome from students, faculty, alumni, and others. The Opinion reserves the right to shorten letters too lengthy to print in their entirety. Please limit letters to two typewritten pages. Send to: The Opinion, 77 West Eagle Street, Buffalo, 14202. Anonymous letters will not be published.

S B A

Budget Approval-Almost

by Michael Montgomery

November 12

UNICEF

Sally Mendola proposed that the sale of Unicef Christmas Cards be allowed in the Eagle Street lounge. This proposition met with a unanimity of approval which is most rare.

BUDGETS

A motion was made to begin the immediate consideration of the Budget Committee's suggested appropriations by Shelley Gould and Mike Montgomery, which was carried after an opposition statement by Sally Mendola.

The Budget Committee's report contained item by item allocations for

each student organization requesting SBA funding. Yvonne Lewis raised the issue as to whether, after approval, inter-line allocations changes should be made at the discretion of the organization — upon approval by the Treasurer — or by SBA vote. Bill Buscaglia and Judy Kampf noted that to allow the organizations to alter approved allocation themselves would jeopardize SBA control over student funds and eradicate the planning which had gone into the budget. Other comments were that such a procedure could result in fiscal chaos and gross misallocation, that it was best to refer line changes back to the Budget Committee. Director Lewis' motion to allow organizational discretion to allocate between approved lines failed. A subsequent motion by Gene Goffin

that such discretion be left with Treasurer Weinberg, with appeal to the Budget Committee and the SBA, was passed. Discussion about this issue was heated to an extent bordering on the needlessly emotional.

STIPEND REFERENDUM

John Samuelson submitted a petition proposing an advisory referendum to be put before the student body on the issue of stipends, and stipends for the *Opinion* in particular. This motion was passed after the failure of a motion to table the question made by Judy Kampf.

RSRB

A vote on the report of the

committee to discuss representation, requested by the FSRB, was postponed one week so the Directors could read it. There is a hearing on 8 December to discuss the distribution of results from last semester's Faculty Evaluation questionnaire. It was decided to use the same format this year as in previous semesters, but the question of who will finance the project — which is delaying result distribution from last semester — was not discussed.

Judy Kampf requested that Provost Schwartz be asked for an explanation in regard to the use of the overcrowded Eagle Street facility for the Justice's Conference, in light of an SBA motion of 22 April 1971 that the less crowded Prudential facilities be used for this purpose, rather than crowd students out of the Library.

5 cent Coffee and Stipends Again

November 5

In what may well be the most practical achievement of any SBA, the meeting of 5 November saw the approval of a project to provide nickel coffee to the caffeine freaks at Eagle Street. The idea occurred after the State ruled that the SBA had no right to rake off the profit from the coin machines in the basement, as had been previous practice, because the SBA was using State facilities in a profit-seeking venture — a factor which has never deterred food services or the Faculty-Student Association on the Main Campus. Reed Cosper, who ran for Freshman Director on a platform of nickel coffee (wet feet thereby) suggested that the SBA provide \$20.00 to get the project going, to be under the control of the Legal Research Committee.

The possibility was raised that this move may be in violation of our present contract with the vending machine company — a company which has violated the wage-price freeze by raising the price of Slim-Jim beef

sausages, anyway. If so this may force the FSA to service this school as it does the Main Campus, i.e. at prices 1/3 lower than we pay.

COMMITTEES

Reed Cosper's conclusions as to student representation on joint committees were that any discussion of proportions was irrelevant since the committees have no apparent power and the Faculty and Administration are not in any way obligated to follow their conclusions. His recommendation was to continue participation in the present committee system while attempting to formulate a more viable and effective means of student participation.

The consensus of the body was that student representatives, on each committee report to the SBA every month, as per an unenforced resolution of last year.

ACADEMIC STANDING COMMITTEE

SBA President Morris reported that three joint committees have been

merged into the Academic Standards and Grading Committee, or something like that. The result is that the present 5 student representatives on the defunct committees must be pared down to two. It was decided to appoint Richard Clark and Jay Biel to these positions pending an FSRB determination of the proportion of student representation per committee.

SBA DISAPPROVAL OF REHNQUIST

Sally Mendola presented to President Morris a letter she had prepared for distribution as per the resolution disapproving Mr. Rehnquist's appointment to the Supreme Court. President Morris refused to sign this letter, unless directed to do so by a majority of the SBA, because the letter as prepared by the Junior Director contained allegations about the past record of the Nixon nominee which had not been voted on by the SBA and were therefore not representative of the body. A motion to accept the letter as written, with the caveat that it represented the majority of the SBA only, was passed 12-8.

STIPENDS AGAIN — AND PARLIAMENTARY FOOTWORK

A petition containing 196 signatures was submitted under the Constitution to the SBA for deliberation, advocating an amendment to last week's resolution barring stipends, to the effect that the SBA would be allowed to guarantee stipends requested by the *Opinion* where the paper could not generate enough income to cover the amounts.

Parliamentarian Lee Ginsburg observed that since the proposition contained in the petition was contrary to the previous resolution, the previous resolution must be rescinded by a 2/3 vote before the petition's proposal could be voted on. President Morris so ruled. Ross Zimmerman challenged the rescission of the previous resolution, which challenge failed 12-8. A vote on the repeal of the resolution barring stipends failed to attain the necessary 2/3 majority, and the proposition contained in the petition, signed by 196 students, did not come up for consideration.

Stipends, Rehnquist Debated

October 29

The SBA meeting of 29 October dealt first with the issue of Stipends for certain positions in certain organizations. Besides the usual horde of officers and directors, this hotly debated session was graced by the presence of first Assist. Provost William Greiner, then Provost Richard Schwartz. These gentlemen did not participate in the discussion at hand.

STIPENDS

John Samuelson, 2nd Vice President and *Opinion* Editor, initiated the debate on this issue. He suggested that such compensation was absolutely necessary for the continued existence of the paper. He pointed out that while other student groups such as Law Review and Moot Court get course credit for their work, the *Opinion* cannot offer this sort of inducement. Samuelson emphasized that some form of inducement is necessary to attract people to do the drudgery of copy, production, and layout — work which presently requires about 20-30 hours of work a week from the editor.

Advertising. The Editor pointed out that he is not requesting an actual allocation, but rather a guarantee of stipends by the SBA should the *Opinion* not be able to generate enough of its own income from advertising. Judy Kampf spoke in strong opposition to the consideration of stipends for any student organization. She pointed out that

there is no basis to distinguish the newspaper from any other student group who might be equally 'deserving' of stipends. Student organizations are strictly voluntary — buying student input is no guarantee of quality, the need for which is cited as a rationale behind awarding stipends.

Administration Support? Reed Cosper and Mary Anne Hawco both suggested an application to the administration as an appropriate source of support. Cosper suggested that the *Opinion* is an integral part of the Law School, as is the Law Review, and serves a unifying and at least quasi-educational function. The responsibility for its support should be on the University Administration.

Stipends Down Lee Ginsburg moved that no stipends be given out to an SBA officer or any student organization. In support of this blanket denial Ginsburg noted that members of all student groups put in a lot of time working on their interests, and should stipends be granted to one group it would be difficult to deny any other group the same support, a support which the SBA cannot afford.

In speaking against the motion, Samuelson noted that the *Opinion* is unique in two ways: it is the only school-wide service organization except for the SBA itself, and is the only income-producing student organization. Aldridge Willis supported the Editor, stating that many of his Freshman constituents support the stipend issue because the newspaper encompasses all other organizations throughout the school.

Votes 10-9 in favor of the motion against stipends for any group.

FSRB

Judy Kampf reported that the Faculty Student Relations Board had met and that Professor Homburger, its chairman, will accept for Board consideration any student complaint in writing submitted to him. The issue of student representation on the altered Faculty-Student Committee System, presently before the Board, was referred to Sally Mendola, Reed Cosper, and Mike Berger for SBA input.

NATIONAL LAWYER'S GUILD

The constitution of the newly formed NLG was submitted for approval by the SBA. Formed in the '30s as an alternative to the ABA, this group has attempted ever since to be in the forefront of the liberal movement in America. There are approximately 60 chapters — the Student Chapter at the Law School would apparently be supplemental to a preexisting graduate chapter presently in Buffalo.

Planned activities include newsletters on Attica and community legal needs, and street sheets advising high school students, tenants, and demonstrators of their legal rights and obligations.

It was pointed out that this organization has overlapping goals, programs, and indeed membership with Concerned Law Students and Legal

Observers. Possible duplication of effort was felt to be a monetary allocation problem for the Budget Committee.

POVERTY HILL

The Law School's representative on Sub Board I, ubiquitous John Samuelson, suggested a general meeting of the Student Body to discuss Sub Board's option on Poverty Hill prior to the referendum on 4-5 November. (So few people attended this meeting, when held, that it was canceled due to apathy). -Ed.

NIXON'S SUPREME COURT CHOICE

Sally Mendola moved that the SBA resolve to disapprove Pres. Nixon's Supreme Court nominees, notably Mr. Rehnquist. Director Mendola asserted his unfitness because of his record on civil rights, wiretapping, and the May Day arrests in Washington.

President Morris opposed the resolution, asserting that the SBA should not take positions on what are essentially national political issues, particularly when the Directors have had no opportunity to check the positions of their constituents.

Gene Goffin noted that he would probably oppose any man Nixon appointed.

On a close vote, a motion was passed expressing disapproval of Mr. Rehnquist, to be sent to the local newspapers and the appropriate legislators.

FIRST CITIZENS CONFERENCE ON CRIMINAL JUSTICE

(continued from page 1)

evidence. Mr. Seymour stated that "the criminal courts are bursting at the seams," and that delay is the most important problem, both for society and for the defendant. However, Mr. Seymour felt that we must untie the hands of our police officials in dealing with crime. Although most changes in the admissibility of evidence have been long overdue and the courts should embrace them heartily and use them — however the dichotomy of objectives must be borne in mind — whether the objective is to let the guilty man go free or to educate police officers. Mr. Seymour suggested possible censure against offending police officers, but not the dismissal of the case, since society should not be subject to criminality at large.

"Sporting Approach"

Another aspect of the legal system



questioned by Mr. Seymour was the constant emphasis on winning — the 'sporting approach' to law often followed by defense counsel who may know positively of his clients' guilt, followed by defense counsel who may know positively of his client's guilt, emphasized the roles of the defense counsel and the prosecutor, and noted that it is the duty of everyone in the criminal process to do the best he can; the defendant must insist upon his constitutional rights. "If everyone does his job the way it has to be done, the system will work."

Anyone can defend an innocent man, Mr. Wexler noted, but a guilty man nevertheless should be defended, for in defending even hardened criminals you are defending your own constitutional rights. "Miranda, Escobito were hardened criminals."

Search and seizure is illegal, under the Fourth Amendment, but illegal search and seizure tactics have been allowed until only very recently by the courts. Mr. Wexler emphasized that "I believe in our constitution, our laws as the way to attaining justice."

Illegal confessions and lineups were also discussed. Wexler noted that you must not characterize an insistence on a constitutional right as an admission.

Plea bargaining? Wexler: "If they're giving, we're taking."

Wexler further noted that there are not enough judges, prosecutors and help. He noted that "we must get into the communities and solve our problems, but don't take away our constitutional rights."

Search For Truth?

In the ensuing discussion, Mr. Seymour expressed a fear that the trial of a criminal case is no longer a search for truth, since with exclusionary rules knowledge is taken from the jury. "Why can't a jury be cautioned by the judge that this was improperly seized.

What is so wrong with placing our faith in humanity?" Mr. Milano of the Bureau of Narcotics and Dangerous Drugs sided with Mr. Seymour in his faith.

Workshops

Thursday afternoon was devoted to workshops. Unfortunately, though, the program had called for a flexible give-and-take, the first half hour of most workshops was taken up with the introduction and listing of credentials of the panel members. Once underway, however, most workshops proved quite enlightening, some in disseminating information, but most in presenting and voicing conflicting opinions.

The five Thursday workshops and their moderators were: Trial Delays, Hon. William Heffron, Senior Judge Erie County Court, Free Press-Fair Trial, Cy. B. King, Courier Express, Juvenile Justice, Chief Judge Raymond

What Should be a Crime

by Bob Brosius

"What Should Be a Crime" emphasized largely victimless crimes, such as consensual adult homosexual practices in private. Use of drugs, particularly marijuana, was also mentioned. Minority group members (black and Puerto Ricans) emphasized the criminality of excluding them from the benefits of society (employment, housing, fair treatment) and of selectively enforcing laws against them. But by far, the primary emphasis of the seminar was on the laws dealing with sexual morals, particularly homosexuality.

Panelists included Rev. Paul N. Carnes, Pastor, Unitarian-Universalist Church, George R. Blair, Esq., Jan de Waal, President of the SA, James D. Haynes, Biology Professor at State, Charles L. Hutchinson, Director of the Erie County Probation Dept., Kenneth Kennedy, Chief of Buffalo Bureau of Vice Investigation, Judge Joseph Mattina of the County Court, and Mrs. Barbara Sims, current director of the Office of Equal Opportunity at UB.

A variety of myths were explored extensively:

1.) we need the law (proscribing homosexual conduct) to protect the procreative function of the human race and to protect the institution of the family.

2.) we need the law to act as a basis for arresting and punishing those who use force, molest children or offend public sensitivities by public acts.

3.) If we open the door by eliminating the consensual sodomy statute, we will encourage all sorts of criminal activity, corrupt our youth, increase organized crime, increase drug addiction, decrease respect for law and order, etc.

4.) If we approve this change, our children won't be safe on the streets. (a cited).

Professor Haynes stressed that homosexuality was perfectly within the range of natural human activity. Rev. Carnes and Mrs. Sims further made the point that enforcement of the law, against homosexual practices cause more harm than the proscribed activity in the first place — both in terms of society and the corruptive powers of discretionary justice in the hands of law enforcers.

Mr. Hutchinson suggested that the definition of crime must be narrowed to activity which was harmful to individuals or society. Judge Mattina pointed out the lack of commitment to solving social problems on the part of both the government and people in general.

A number of different views were expressed by citizens in attendance, and while no consensus was reached, the points in favor of law reform in the area of consensual homosexual acts were certainly well made.

breakdown of the system were raised.

Judge Niemer was instrumental in explaining the function of the Family Court in dealing with juveniles, explaining the facilities available in juvenile courts that are not as easily available in adult courts, i.e. psychiatric evaluation.

between participants and panelists proved exciting and important in averting possible future misunderstandings.

Lawless Luncheon

The highlight of the Conference was Thursday's luncheon with Hon. William B. Lawless, former Justice on the New York State Supreme Court and the former dean of Notre Dame Law School.

While at Notre Dame, Mr. Lawless established a second year law program for American law students to study both American and English law in London. He is currently making a study of how English law may be applied to American law.

The focus of Mr. Lawless' address was a comparison of the American and English systems. Discussing the American legal system, Mr. Lawless noted that "we are in a state of

"Junior Criminal Court"

Further, he emphasized that children should not come into a junior criminal court, nor should they be treated as criminals. The court has a dual responsibility to protect the community as well as to rehabilitate the offender.

Participants tried to place responsibility for children's crimes — some said responsibility lay with the home, others said with the community — others claimed with the schools. Although no specific proposals or solutions were reached, the interaction

Trial Delays

Trial Delays attracted few non-attorneys and dealt mainly with the problems of providing a speedy trial as well as the possible effects of the six month rule.

Joseph McCarthy, Chief Trial Assistant with the D.A.'s office, cited reasons for delays as the sheer number of cases, lack of time and lack of court facilities, as well as the unavailability of defense counsel. Due to the many hearings that must be conducted, delays are almost unavoidable; therefore to resolve the number of pending cases, reduced pleas often come about. Naturally, Mr. McCarthy was in favor of fair but speedy disposition of cases.

Vincent E. Doyle, Jr., Chairman of the ECBA County Court Committee responded with reasons why defendants can't or won't go to trial more quickly, noting that while vengeance is swift, justice is not. In the period before trial, tempers often cool off, the defendant must have the opportunity to retain the lawyer of his own choosing, and further, defendant is able to prove his ability to "go straight". It is in the public interest that before any determination everyone has the opportunity to adequately prepare a defense.

Audience Input

The Juvenile Justice seminar concentrated heavily upon audience input. Fears were raised as to how morality could be expected of children when parents may set no examples. Issues of adult morality and the



Belling

urgent, urgent crisis, the entire structure of the legal system can collapse... if we do nothing but talk, do not act." Therefore, he felt, Americans can learn from the English system and draw from the English experience.

English cases are, on the whole, handled much more speedily than their American counterparts. In England the average time between arrest and commencement of trial is one month or less; in the United States from at least 60 days to one year. Part of this springs from the fact that Grand Jury proceedings have been abolished in England; the selection of the jury also takes less time.

Further differences between the two systems can be highlighted by the wide discretionary powers available to the English judge in summarizing and commenting upon evidence. There is also in England a pressure upon the accused to testify, a feeling which Mr. Lawless did not agree brought the best possible justice.

Pre-trial publicity was also a field dealt with by Mr. Lawless. In England, the news media are rigidly controlled and in general, cannot comment before a trial. One exception, however, is that anything a witness says is fair game the moment it is said before the jury. Mr. Lawless felt this was an effective technique for preventing trial by media.

One superiority of the American system is the availability of legal aid here. In England, if the judge feels the case is not unique at the magistrate level, the defendant is not entitled to free legal aid.

The procedure on appeal in England is completely different from that in America. In the United States we must wait until the transcript is printed up and sent out. In England, appeals can be made more quickly, since only in rare cases will the direct transcript be read; rather, appellate judges listen to counsel and judges' precise.

Mr. Lawless emphasized that he was not suggesting that the American system adopt English procedure, but rather that he was opting for streamlined procedure without adding on time.

Penal Reform

Clarence Jones and Roy Gerard, Friday's keynote speakers, each agreed what the present penal system has failed, and must be reformed.

Mr. Jones, a negotiator at Attica, feels that the judicial and penal systems must be seen within a sociological framework.

One of the major problems in the penal systems nationally is the high proportion of inmates from minority groups. These prisoners' dominant theme is one of cynicism and bitterness. In dealing with the penal system, Jones noted that one must be aware that he is dealing with the prisoners' deep-rooted psyche as to how the system operates.

Jones further noted that the prisoners' feeling are further ramified by the disparity in New York State in the ethnic composition of the guard force. He suggested that New York State begin a crash program of quickly infusing members of minority groups into the guard forces.

Rehabilitation

One problem that Jones, an attorney brought up was that if, ostensibly, the purpose of prisons is rehabilitation, does a prisoner have an enforceable right to have an affirmative rehabilitation. He questioned the extent to which the penal system can be made to carry out the responsibility for which it is supposed to exist.

Prison Official Speaks

Roy Gerard, the Deputy Assistant Director of Institutional Services of the Bureau of Prisons, recognized the failure of the present system. He felt that it was necessary for the reasons for this feeling to be examined.

Some of the commonly heard complaints are that the institutions are outdated. There are no programs to meet the needs of the inmates' rehabilitation. Further, sentences that are dealt out are inconsistent — many sentences are too long, people who have committed the same crime have widely divergent sentences. Another complaint among inmates is that parole boards are not sensitive to what is going on.

To these complaints, Mr. Gerard answered that "Those of us who have been in corrections for some time are aware of the problems." He stressed that there must be a more humane way to treat those who violate our law.

The federal government must do planning to meet the new kinds of problems with solutions. Aftercare was

emphasized strongly by Mr. Gerard.

Outrage

In the panel discussion following the keynote speakers, more problems were raised. Mr. Hope R. Stevens, past president of the Harlem Bar Association, expressed outrage at 'institutionalized racism' and those factors which have brought this about.

Mr. Frank Caldwell, Commissioner, N.Y. State Division of Parole, related the plight of the parole commissioner today. He was very angry with attorneys at parole hearings who are now allowed to attend. Often they tell the inmate who is up for parole to "plead the Fifth", resulting in the parole board's inability to extract information from the inmate. He further felt that the greatest protection the community has is to permit an easy flow out of the prison and, in a necessary event, to allow for the parolee's expeditious return to prison.

Parole Board's Hands Tied

Mr. Caldwell begged those present not to tie the hands of parole boards with rulings that allowed a parole violator to be free in the community when he was a danger. "Do not leave us in this middle ground where we don't know where to go."

Dean Richard Schwartz, also a panelist, questioned whether the correct place for decision as to whether a violator should be returned to jail was not before the parole board, but rather before the court. He expressed a fear of a loss of due process.

Other panelists and participants included Hon. Frederick M. Marshall, Administrative Judge for Criminal Justice, Eighth Judicial District and Mr. Irving Fudeman, past president of the ECBA, the co-chairman, as well as the Rev. Carl F. Burke, Chaplain, Erie County Jail, Frank M. Festa, Superintendent, Erie County Jail, and Ms. Betty D. Friedlander, Chairman, Criminal Justice Sub-Committee on Criminal Systems, NYSBA.

One Solution

Although many thousands of words were exchanged, only one positive

solution was put forward toward penal reform — hesitantly — by Brother Bob Wagner. Although it would only affect institutionalized juveniles, it was a step toward reform.

Friday's Workshops

Five workshops were also offered Friday afternoon. Crime Prevention and Education, Rev. James Damske, S.J., President Canisius College, Civil Disorders and Mass Arrests, Hon. William Ostrowski, Associate Judge, City Court, Availability of Legal Services, George Wessel, President, Buffalo AFL-CIO Council, Long Range Planning & Permanent Citizens Group, Hon. Reid S. Moule, Supreme Court Justice, Appellate Division, Judicial Selection, William D. Hassett, Jr., Businessman.

Legal Services

At the Availability of Legal Services Workshop, Nat Barrell, Director of the Legal Aid Bureau of Buffalo, explained exactly what services were available in Buffalo. He strongly disagreed with the Chairman of the ECBA Judicial Legalcare Committee, David P. Feldman, who expressed the fear that legal aid attorneys were fresh out of law school and overburdened. Mr. Barrell noted the competence of legal aid lawyers in Buffalo, as well as their experience.

Reverend Ford of BUILD stated that "In our society today the rights and availability of legal services are as vital as food, shelter, and clothing." He feared that the programs that are set up by professionals end up making the professionals richer in the guise of aiding the poor.

Audience reaction expressed likewise a range of ideas and fears. As a sounding-board for community expression, this workshop proved to be a viable method. However, solutions to arise out of the entire conference will be seen in the future. The conference was a good beginning, but where the community goes from here is the important result — whether any effective change will come about as a result of this conference.



Notes From Elsewhere

by Michael L. Montgomery

PEOPLE'S LAW SCHOOL the JOURNAL

Stanford Law School

The Stanford chapter of the National Lawyer's Guild is planning to form a People's Law School in the Palo Alto area. The proposed new school will attempt to combine the theoretical study of law with active involvement in community legal projects. The courses are intended to be taught by ex-convicts, legal workers, lawyers, and law students. They will be free and ungraded. Patterned after a similar establishment in San Francisco, which reported 750 students, the organizers of this new school hope to provide legal information to people about areas of the law that effect their daily lives. It is also proposed to train workers in specialized legal skills so they can serve the needs of the community. Included in the proposed curriculum are courses in street research and investigation. The latter two courses will be oriented primarily towards legal workers. The prison course will be a lecture and discussion series supplemented with writing writs of habeas corpus, visiting prisoners, and transporting people to visit prisoners in jails.

STUDENT-LAWYER MATCHING

An innovative program at Stanford which might well be implemented in Buffalo is one which will pair first and second year law students with practicing attorneys in the area. Entitled Alternatives

in the Legal Profession, this program will hopefully serve to expose the budding barrister to many facets of his newly chosen profession which he could not encounter in the classroom milieu. Participating attorneys include members of private firms, a public defender, county prosecutor, federal attorneys, and public interest and Movement attorneys.

TENURE IN THE NORTH Obiter Dicta

Osgoode Hall, Toronto

Students in this Canadian law school are examining the desirability of abolishing the present policy of granting tenure to professors. While such a policy may provide liberty for the innovative, it may also provide a license for the incompetent. Ron Dash, student legislator, pointed out the undesirability of granting tenure with negligible student input, especially when the individual involved turns out to be an incompetent teacher, for there is no mechanism for further review. Suggestions are as follows: basically bitch like hell to anybody and everybody, because there is no other mechanism outside of student complaints to make any student input heard.

SPORTS

Buffalo may have the Shysters, ethereal masters of the football field, but our cousins up North are blest with a team in that most superlative of sports,

sailboat racing. York University provides their sailing team with boats and travel money to local and not so local regattas. Of course, they are not all that good. Not nearly as good as me, for that matter. In their last regatta at Kingston, Ontario (the only place in the world where compass needles revolve in circles due to iron deposits) they had two capsizes, one sinking, and one mast fell over — out of four boats. That's not performance.

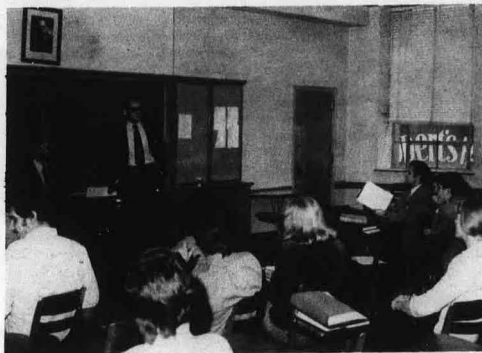
Maybe when the new campus is finished here we can get some sort of sailing team going on that ridiculous lake presently inundating the Amherst flood plain. Then I could engage in my own realm of expertise and break off rudders, splinter masts, and fall overboard with all the grace of an overweight walrus trying out for the Moiseyev Ballet wearing lead weighted swimming flippers.

SEARCH FOR A DEAN

Like so many other schools, Osgoode Hall is presently bereft of leadership. Student input will be the keynote in the present search for a leader, however, with two voting student members on a search committee of five representing the law school. But all hopes for chaos have not yet been extinguished — the various factions of student government are so much at odds with each other that the legislative body is unable to name a mutually acceptable pair of student representatives on the committee.

Int'l Law Club**Yoran Dinstein Speaks**

Yoran Dinstein, Professor at Tel-Aviv Faculty of Law, author, and advisor to the Israel U.N. delegation spoke before the International Law Club November 9th on Contemporary International Problems. His lecture centered around Arab-Israel problems and the legal difficulties that exist between the countries. Since the 6 day war Israel has come into possession of new territory, but Professor Dinstein relates unless a treaty or an agreement can be reached the State of Israel can not annex the territory although Israel can remain in possession as long as the military and not civilian authority run the territory. This is a new concept in International Law, and there exists at this time, a mixed status of laws of war and laws of peace. He feels that time is on the side of Israel and if a long enough period passes then



prescriptive title may pass to Israel without a formal declaration ending hostilities as is traditional in International Law.

Turning to problems at the U.N. he feels that

International body has avoided every war and peace issue of this decade. Politics, the big powers and human rights were topics of discussion which he touched on in an informal question period afterwards.

Distinguished Visitors Forum**O'Connor on Welfare Reform**

by Rosalie Stoll

"Welfare Reform" was the subject of the October 27th Distinguished Visitors Forum. Michael O'Connor, a Reginald Heber fellow, and Mrs. Mildred Prin, Chairman of the Buffalo Rights Action Group, presented their views on the current New York State Welfare System.

The purpose of the welfare system in New York State is to provide for the basic needs of persons without resources. Of the 70,000 Erie County recipients, Mr. O'Connor stated that approximately 60% are children receiving under ADC and 20% are the parents of those children. Approximately 10% of the recipients of Social Service money are on the Home Relief program.

Mr. O'Connor, who is currently working with Neighborhood Legal Services, virulently opposes the current New York Welfare Reform Program. Its four main propositions, he stated, include a residency requirement, the cutting of grants by 10%, the establishment of an Inspector General's Office and work rules.

Mr. O'Connor served as local counsel for Lopez v Wyman in overturning the New York State residency law. In an upcoming case, Doblobo v Wyman, Mr. O'Connor will be challenging the New York "Work Rules".

The residency requirement, which was enjoined by federal court in Buffalo, was, according to Mr. O'Connor, the least important of the four major provisions, since it affected only about 12,000 recipients, whereas the others affect more substantial numbers.

Under the second provision, grants would be cut by 10%. This is, Mr. O'Connor states, difficult to organize against, because it comes within the discretion of the legislature.

The Inspector General's Office would be an independent body responsible directly to the Governor. This would investigate abuses in the welfare system. Its main purpose, it was suggested, would be to attack cheating and

liberal administration by caseworkers. However, the opposite point of view holds that, from the start, this would have an intimidating effect upon welfare recipients, since they are hesitant to enforce their rights.

Prior to July, only 6% of the Welfare recipients were considered employable. Now, any recipient over the age of sixteen is, unless he can prove the opposite, employable. Mr. O'Connor fears that Social Services can thus impose certain child care rules on a mother receiving ADC.

Co-incident with this employment provision, recipients must now pick up their checks in person. No allowance is made for transportation or babysitting. Persons living in rural areas such as the Cattaraugus Indian Reservation are under the same obligations.

Commenting upon HR1, which was passed by Congress last spring and is currently before the Senate Finance Committee, Mr. O'Connor stated that "My reading of the bill indicates it is just as repressive as the New York program." He feels that the welfare reform programs to date reflect accurately the attitude of a majority of the legislature, "The majority of the public is ignorant of the needs of the poor."

Mrs. Prin, speaking on behalf of poor persons, explained what she considered their needs to be. "We're going to eat and be clothed, just like everyone else in the country. I never heard them say 'we're not sending your son to war because he's on the welfare.'"

Further, Mrs. Prin stated, "We don't have babies to get welfare checks because we know they aren't taking care of the ones we have... The poor are not lazy, and we don't have Caddys."

No child is responsible for his parent's income, Mrs. Prin noted, and some people are always going to be on welfare. As for the work rule, "I am for work, I believe in work, but I don't feel work is greater than people."

Faculty Meeting

by Robert Friedman

The monthly faculty meeting was held on November 3. The first motion considered was to permit the supporting staff of the law school to send a representative to sit in on faculty meetings. This passed 18-1. A motion to permit the supporting staff to use the faculty lounge was also passed.

The Bar Association proposal regarding the leasing of space at 77 W. Eagle Street after the law school moves was next considered. Professor Davidson questioned whether the Bar Association gave full consideration to the fact that the rest of the building would be used for student legal clinics of various kinds with an assortment of students, clients and possibly demonstrations at times using the building. Since the Bar Association had shared the building in the past with the school it was assumed that they were aware of any problems involved. Professor Goldstein queried as to the disposition of the rental from the lease. He was answered that the general fund of the University would from the lease. He was answered that the general fund of the University would of the entire building by the law school would be barred by the lease. Proponents of the leasing felt that if full use of the building were not made by the law school immediately (via lease and clinic programs) then the law school would almost definitely lose control of the facility. This is because all space in University buildings is University space and does not belong exclusively to any faculty or department. By making full use now of the exclusively to any faculty or department. By making full use now of the The proposal was put into the form of a motion and passed.

Mr. Wenger's appointment as Assistant Professor of Law and Law Librarian was the next matter voted on. It was pointed out that by being on both faculty budget line and library budget line (half a line each), Mr. Wenger would not be under the complete control of the central library and Miles Slayton. Student opinion on the appointment was reported by Professor Goldstein. Voting was 20 pro, and 1 con.

The final matter brought up at the meeting was the Student Course and Teacher Evaluation (SCATE). Each professor received a copy of his evaluation from the fall and spring of last school year but they were not yet publicized. Several faculty members raised questions as to the reliability of the results. Professor Homburger (Chairman of the Faculty-Student Relations Committee, the sponsor of the survey) replied that a set percentage of responses was necessary before any course would be accepted by the computer. Another weakness cited was that since not enough students responded in some courses, professors were prejudiced since their courses would not be included in the final evaluations based on the sum of their courses.

Junior S.B.A. director Mike Berger questioned the perceived objectives of the evaluation. Professor Katz responded that the faculty-student committee had a dual purpose in mind. First, to guide the faculty in their teaching effectiveness and second, to guide students in their course and teacher selection. A motion was then made to send the questionnaire back to the Faculty-Student Relations Board so that they could make their own evaluation of the statistical merit of the results and decide what to do with the whole matter without any need to bring it back to the faculty for approval. This was proposed because since the evaluation was made by a joint faculty-student committee it was felt the faculty should not hold a veto over it. The motion passed 14-0.

Employment Interviews

by Alan Minsker

There is generally a two, or three, step process involved in gaining employment with either a governmental agency or a law firm. This process includes submitting a resume, an interview with a representative of the prospective employer, and, quite often, a formal application accompanied by official academic records. It is the second step of this process to which this article is addressed. As a result of having interviewed many people in the course of doing research for the Office of Student Affairs, and of being interviewed on several occasions for employment, the author feels knowledgeable on the subject.

What is the purpose of an interview? An interview form used by the Internal Revenue Service offers some answers. The form seems to be divided into two basic categories, one dealing with information intended to supplement an applicant's resume and formal application, and another which deals with personal qualities. In the former category, the interviewer fills in information

regarding "bar membership", "number of tax courses", "types of tax courses", "accounting experience", "other legal experience", and "employment location limitations". In the latter category, the interviewer is requested to rate (excellent, very good, good, fair, poor) the applicant in terms of "appearance", "personality and demeanor", and "ability to express himself (sic)". "General fitness" is rated as "outstanding", "above average", "poor", or "unsatisfactory". Presumably, the evaluation of an applicant's personal qualities is made with reference to interviewer's experience as an attorney for the IRS; that is, the interviewer will utilize the social norms and values of the IRS to decide what is "good", "fair", "poor", etc. Finally, there is a space roughly 2 1/2 inches x 6 inches in which miscellaneous comments may be written. All this information has to be ascertained within twenty to thirty minutes from the "How do you do" to the "I'm sorry, I wish we had more time to talk and get to know each other" (continued on page 8)

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Sports Huddle

by Alan Snyder

Upon entering championship play the Shysters had not allowed a point to be scored against them in their last four ballgames. And now the count is up to five games without surrendering a touchdown. The stellar defense is headed up by defensive captain Lee Ginsburg who patrols the deep zone. His two able defensive halfbacks are "Mad Dog" Vinny Tracy and Bob Livote. This trio so far this season has intercepted eleven passes and as yet hasn't been burnt. In front of backs is a late addition to the squad, parading as a Roger Stone, and that has been just what he had been on defense. At his middle linebacker spot, he has three interceptions to his credit, and not to forget his many openfield tackles. Rushing so far this season has had many different players giving it a try. Among the rushers have been Tom Parmela, Sam Neuman, John Janiak, Dan Martin, Don Haight, Jerry Solomon, and player Alan Snyder.

As long as the defense keeps giving the ball to the offense, Dan Martin, who is the Shyster's All Star Quarterback, keeps putting points on the scoreboard. Martin who has been out for some time with a sprained ankle, has been averaging about 14 points a game. These points come from ends Doug Roberts, who could possibly be the Otis Taylor of the Campus League. Martin gets his protection from blocking backs Tom Parmela and Don Haight. John Janiak, also a new comer this year plays at blocking back with some good shots given to many oncoming rushers. The silent man on the

squad and possibly the unsung hero is center Don Kaplan, who seems to come up with that certain catch to keep the team moving. Kaplan also shares the kicking duties with Vin Tracy, while both can boom the long one. The other end is Lee Ginsburg, who is possibly the only 60 minute man in the league. His constant play has helped the Shysters over and over again.

In the first championship playoff game, the Shysters beat the Humans 13 to 0, to enter the quarterfinals. They must play next, the only team to beat them this year, that being the Sammys. The boys are up, and all the feelings expressed for a good game. In defeating the Humans, the Shysters didn't get on the scoreboard until late in the first half when Martin spotted Kaplan all alone in the flat, then hit him with a pass as he waltzed into the end zone. Martin also connected with Kaplan for the extra point. After linebacker Roger Stone picked off one pass, and safety Lee Ginsburg batted down many long bombs, Martin hit end Doug Roberts with a 79 yard pass play down to the Humans' 1 yard line. Two plays later Martin hit Ginsburg who made a diving juggling catch to round out the scoring at 13 to 0. The game was over when Vin Tracy made one of his patterned interceptions to stop a last minute rally. With four games remaining the Shysters promise to give their all to try and win the championship. For two years now, the Shysters have played the part of the Bride and this year needless to say, they are playing for all the marbles.

HOOP SEASON

With the first season game scheduled for December 3, the LAW has started to make preparations for the upcoming season. In the past three years the LAW team, who was first started by Fred Garwood, now graduated, has compiled a record of 30 wins and 1 loss, while winning the City Title twice. This year the team will be coached by Dan Holleye, who succeeds Fred Garwood, and Steve Larson as the main man. Holleye will be assisted by senior Alan Snyder, who is in his third year with the team. Practice sessions have been called, and all interested can come to Toshi Collins Gym located at Cazenovia and Abbott Roads, right across from Mercy Hospital in South Buffalo. The LAW will probably be practicing on Tuesday and Thursday nights at 9:30 for the next few weeks. All are urged to come and play. If interested, see Alan Snyder in school or at the gym at the nights of practice. The LAW being defending champions, hopes to have another shot at the title. As the team has not officially been made up as yet all are eligible to play.

Anyone not interested in playing for the LAW, may start his own team and enter it in City League competition. Just go to City Hall, fifth floor, Parks and Recreation and fill out an application. As of last Friday they still have room for twenty teams. The Campus league, due to such a large turnout, is not taking any more teams for this years league.



by OTTO MATSCH



THREE FOR THE PRICE OF THREE

Don't Harrass Muskie!

Poor Eddie Muskie. Recently he made some innocent remarks to the effect that if nominated he would not select a black running mate because the country was not ready for a black veep. He didn't say there were no qualified black politicians around, he didn't say he did not want a black vice president, he didn't even raise his Polish heritage as a defense. But suddenly every political opportunist leaped right onto his chest. Nixon called it a slander against the country. Lester Maddox called it a racist statement. Some blacks called it insulting; others said that although they disagreed with him they respected his honest opinion. In general Muskie got the short end of the stick, with almost all politicians and commentators against him. Poor Muskie.

But I agree with him. Upon examination of his statement, that a Muskie-black ticket would not win, it is apparent he is right. First of all, he is not speaking of all America. Only those over 17 and thus eligible to vote next year are included. And of that segment of the population Muskie's remarks were directed solely to that portion of the voting public which the Democratic ticket could attract — Democrats and some independents. These are the voters that the Democratic Party claims to appeal to — the liberals, labor, youth, intellectuals, radical chic, freaks and blacks. (These categories are not mutually exclusive and overlap in some cases, ie black intellectuals, liberal students, etc.) So what Muskie was really

saying is that with the exception of blacks, who could be expected to vote for a ticket featuring a black V.P. candidate, the rest of the nice people the Democrats regularly enlist under their glorious banner to promote peace, progress and all that good stuff are too racist to vote for a black. He is right, so leave him alone.

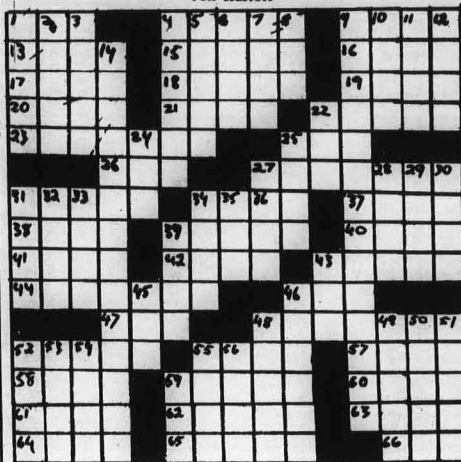
To solve the dilemma I recommend the Democrats use a Muskie-Wallace ticket — it will appeal to both Northern and Southern bigots.

The SSSB (Supersonic Schoolbus)

A great hassle has risen among the suburb dwellers now that busing is looming as a definite prospect for their very own darlings. In some Southern cities the townfolk have gone as far as forming private academies to keep their children away from the integrated schools. In the more moderate North, school buses have been burned and marches organized. A constitutional amendment to bar busing is floating around Congressional offices, and the House added three amendments to the \$1.5 billion desegregation bill barring the use of federal funds for busing school children out of their own neighborhoods with Northern "liberals" joining Southern conservatives. Complaints against busing come from both black and white racists opposed to integration. However, many are against busing for other reasons, primarily the idiosyncrasy of transporting children to distant schools when local schools are available, and oppressive cost involved. (Los Angeles spent \$40 million on buses and drivers' (continued on page 8)

Crossword No.4

Jon Kastoff



ACROSS

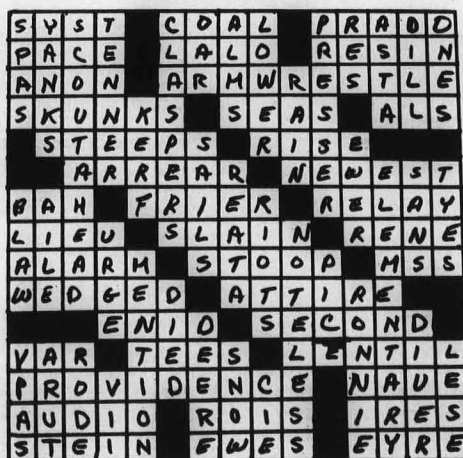
1. bio. or chem.
4. house part
9. nose
13. angelic instrument
15. shooting position
16. terrible Tsar
17. type of dosage
18. Bartletts
19. nyet in NY
20. sneaky guy
21. burden
22. novices
23. raged
25. Abner
26. Kradem's vehicle
27. adds depth
31. tapestry
34. viewed
37. C.N.R. necessity
38. relaxer
39. switch tracks
40. European capitol
41. not real (abbr.)
42. truthful
43. music combo
44. tranquilized
46. stout
47. electric particle
48. German songs
52. repent
55. French souls
57. Eurasia divider
58. Pacific Isle
59. arrest & -----
60. Indian deity
61. Mid-East figure
62. beauty parlour job
63. certain coup
64. caroled
65. Pompidou's thoughts
66. Galena

DOWN

1. looks for a forum
2. printing word
3. mad
4. winesaps
5. tire mark
6. hopping animal
8. that (Fr.)
9. bread and butter Law School course
10. ended
11. N.A.-Eur. group
12. Biblical name
14. a no-no, for the record.
22. cravat
24. Greek letters
25. fast time
27. gainsay
28. Bridge hand
29. African river
30. ----- machine
31. Muhammed and Baba
32. hoarfrost
33. open a book
34. leanto
35. continent (abbr.)
39. Swede's name
43. arena shout
45. digit
46. wedding places
48. tenant's concern
49. muse
50. jungle man
51. chalkboard
52. Lincoln, et al.
53. verboten
54. Good Earth heroine
55. jejune
56. Mets or Yankees
59. three (pref.)

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Answer To Crossword No. 3



BULLETIN BOARD

UNIVERSITY EVENTS

WEEKS OF NOVEMBER 22 - NOVEMBER 28

Monday, Nov. 22

Kino Pravda (1922)

Man With a Movie Camera (1929)

Two Russian films directed by Dziga Vertov. 3:00 p.m. Baird Hall.

Tuesday, Nov. 23

Film: 8½ (1963). Directed by Federico Fellini, Fellini's biography of a film director, with Marcello Mastroianni. 3:00 p.m. and 8:00 p.m. Diefendorf 147.

Wednesday, Nov. 24

*Concert: Violin Recital: Charles Haupt, concertmaster of the Buffalo Philharmonic. Program includes works by Mozart, Ysaye, Debussy and Prokofiev. 8:30 p.m. Baird Hall.

"Musical Innovations" 9:05 p.m. WBCE-FM, featuring Jan G. Williams, "Musical Innovations" 9:05 p.m. WBCE-FM, featuring Jan G. Williams, Performing Arts.

Sunday, Nov. 28

*Concert: "Brahms' German Requiem," U/B Chorus and Buffalo Schola Cantorum

*Concert: "Brahms' German Requiem," U/B Chorus and Buffalo Schola Cantorum 2:30 p.m. Kleinhans Music Hall.

*Admission will be charged.



Belling

Right On!

(continued from page 7)

salaries last year.) The latest complaint raised is that the busing does not work. "Children who do not play together after school and on weekends are not really learning to live together." Thus spake William V. Shannon, a liberal editorial-writer for the New York Times.

The trouble with all these complaints is that they fail to grasp the basic trouble with busing, that it is racist. Children are sent to various schools on the sole basis of race. If anything, this makes them even more aware of racial differences, not less, and detracts from the learning experience in a desperate effort to achieve numerical ratios by race. The solution is obvious: more integration, based not on race, but on a wide variety of factors unreached by busing's outdated treatment.

Just think of all the poor Eskimo schoolchildren who are unable to get hunkered down in a sandbox with a genuine Kansas farmer's kid, the Alabama children who never get to talk to any other children about a white Christmas in New Hampshire, the culturally deprived Colorado children who never see the cultural wonders of Central Park at night, and the swamp-rats and ridge-runners from the great American Southeast who never get to relate to the Idaho potato peelers, not to mention the children from New York City and Los Angeles who never get to see more than two blocks or breathe any clear air unless they somehow get out of the city. Cultural and geographical integration is needed, not merely the busing of confused children a few miserable miles for the sake of making a few liberals (usually childless or with their children in private schools) happy.

By transporting the children right out of their neighborhoods (and off into the wild blue yonder) going to school can be more than an exercise in racist balancing; it can be a learning experience again.

Of course the question arises about practicality. It is very impractical to bus a kid from Miami to Oshkosh every morning. Buses are too slow. But why use buses? As I recall the unemployment rate in the aircraft industry is super-high. It seems fairly obvious that by moving the school children around on SST's two solutions would be created at once - school integration (and really complete integration, too), and employment, at least for aircraft workers. Another variation of the solution is to build one huge school out in the middle of the country somewhere and fly all the country's children in. This would solve the problem of where to shuffle the kids every year to make sure they were integrated with everyone for awhile. Instead, they would be integrated with everyone all the time. It would also remove any complaints that any region was inadequately integrated, as half the population of the country zig-zagged back and forth every day.

I can see it all now - big yellow planes with flashing red lights; field trips to Alaska; great pyramids on the plains of Kansas. . . .

"Stick-em Up, Brother"

In October New York police responded to a "robbery in progress" alarm and surprised four men holding up a black night club. All four were captured after a half-hour shoot-out. One was wounded, and identified from fingerprints as the long-sought H. Rap Brown, self-proclaimed "revolutionary". The other three

Desmond Moot Court Competition

The Moot Court Board has finalized the arrangements for the annual Charles S. Desmond Moot Court Competition which this year will see eight teams (fifteen students) vie for the distinguished honors of Best Speaker, Best Brief, and Best Team. Practice rounds for the participants will be on Monday, November 22nd and Tuesday, November 23rd, at 7:00 P.M. in the Supreme Court, Erie County Hall, at which time they will be given the opportunity to run through their oral arguments and hear comments and criticisms by the current board members who will act as judges.

Beginning Monday, November 29th, the contestants will engage in the actual competition which shall be judged by local members of the bar and bench. The final round will take place on Saturday afternoon, December 4th at 2:00 P.M. in the Supreme Court of Erie County at which time Chief Judge Charles S. Desmond, Judge Matthew J. Jasen, and Judge John Henderson will decide this year's team winners. An open invitation is extended to the local community and student body to attend the rounds any evening to view and listen to the contestants.

International Law Meeting

The International Law Club will meet Wednesday, December 1, 1971 at 12:30 - 1:30 P.M. 108 to hold nominations and elections of officers. All members and new members are invited to come.

were Samuel Lee Petty, Arthur Lee Young, and Levi Valentine, all known to intelligence agencies as one-time members of the Black Liberation, a St. Louis radical gang. Law enforcement officials speculate that the four were bent on filling Movement coffers, possibly taking inspiration from the *Minuteman of the Urban Guerrilla*, which instructs adherents to use "expropriations" for the maintenance of "individual urban guerrillas." Lenin also urged robbing "private persons" to get money "partly for the special purpose of arming and preparing for an uprising, and partly for the maintenance of persons engaged in the struggle. . . ." Patrons of the club complained that whatever the political aims of the thieves, the four were taking money and valuables from blacks at gunpoint while calling them "brothers".

Meanwhile, Brown remains in the hospital in "fair to good" condition following surgery to repair damage from two slugs. While recuperating he is using the pseudonym of Roy Williams. Mr. X's lawyer, William Kunstler (who else?), stopped in to see him and said he did not look like ol' Rap, and that ripping-off the brothers was not something that ol' Rap would do (Black Panther Richard Moore did it in June, but don't tell Kunstler.) Interestingly enough, the patient is regularly visited by two persons, the wife and brother of H. Rap Brown.

The debacle illustrates the sorry state to which the so-called revolutionaries have fallen. Brown was once running around stirring up whole cities and inciting them to riot; now he and his ilk are running around ripping-off their brothers. I can hardly wait for the bleeding hearts to get their campaign going to "Free the Rip-Off Four," and never mind any sympathy for their victims.

EMPLOYMENT

INTERVIEWS

(continued from page 6)

other, but we're already five minutes over". The purpose of the IRS interview, then, is to gather two kinds of relevant employment information, one concerned with educational background and job experience, and the other with personal qualities.

Interviews with other governmental agencies, and private law firms seem directed at the same purpose, although many interviewers make it a point that the interview is a two way street in which an applicant has a right to learn about his prospective employer just as the employer has the right to learn about the applicant. Some firms and agencies seem to welcome questions about such diverse topics as salaries and promotions, the employer's view of "public interest" law, what the employer thinks of

the law school, or what the interviewer considers the roles of social status, income, religion, and education to be in the life of a well-balanced individual. Asking such questions may, or may not score points, but is highly informative and worth doing for the often surprising responses they provoke from the ostensibly "straight" business community.

Unfortunately, not all of the information elicited at an interview is relevant to one's abilities or accomplishments, but may nevertheless be used for the purpose of selecting, or rejecting, applicants. In an interview, it is virtually impossible to conceal information regarding one's race, sex, marital status, religion, or ethnic origins, even though the interviewers avoid asking questions about these subjects for obvious reasons. Nor is there any practical way of legally checking up on the

manner in which private law firms make use of this information. There is no way of saying how much discrimination goes on in private law firms, but a shrewd applicant who happens to be an attractive black Jewish woman would be justifiably suspicious of a forty member firm, all of whose members had names which were masculine, Christian, and English in origin.

Of course the question most law students would probably have about interviews is: "How should I conduct myself during the interview?" Many confusing books and pamphlets have been written about this problem expressing many hodge-podge values and attitudes including idealism, sycophantism, and religious devotion to the capitalist system. "Be yourself" (I never met anybody who wasn't) but remember that you're one applicant applying for a

position for which ninety-three other worthy law students are also competing. The answer, if there is one, seems to be that there are a number of personal values to be considered. The question is really one of simulation versus honesty. How much do you personally value truth for its own sake? Are you only concerned about employment immediately following graduation, or are you more concerned with the "long run"? Do you derive pleasure from "putting people on"? An applicant who places no value on truthfulness for its own sake, loves putting people on, and is only interested in finding a job in order to get income just as soon after graduation as possible should have no problems or personal conflicts in figuring out his (or her) course of action. Research the prospective employer carefully before going into the interview to find out how current employees dress, cut their hair, speak, and spend

their spare time. Then, pretend you are Richard Burton preparing for a role in which he represents a super-normalized version of one of XYZ firm's employees. Go into the interview and act out the part as though you're already one of the firm. If, on the other hand, you are one of those simple people who values truth for its own sake, never puts people on, and is thinking in terms of long-term job satisfaction, you should try a different tact. Introspection followed by an honest and full disclosure of your true character during the interview would seem the most appropriate course of action for this particular person. Of course, most Aristotelians who fall between these two extremes must first decide how much of each value they wish to maximize before going into the interview. Then custom blend the Richard Burton with the person you think you are to achieve the desired results.